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| Conditional Use Permit | 202 North LBJ Drive, Ste 101 |
| CUP-21-21 | Vodka Street Global Bistro |



Summary

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| Request: | Renewal of a Conditional Use Permit | | |
| Applicant: | Eric White EFW Food & Beverage Inc. 202 N. LBJ Drive, Ste. 101 San Marcos, TX 78666 | Property Owner: | Aubrey Brisendine 202 N. LBJ Venture Group LP 2606 RR 620 N. Austin, TX 78734 |
| CUP Expiration: | March 25, 2020 | Type of CUP: | Restaurant / Mixed Beverage |
| Interior Floor Area: | 4,200 sq. ft | Outdoor Floor Area: | N/A |
| Parking Required: | 0 spaces | Parking Provided: | N/A |
| Days & Hours of Operation: | Monday – Sunday: 3pm-2am | | |

Notification

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| Application: | N/A | Neighborhood Meeting: | N/A |
| Published: | N/A | # of Participants: | N/A |
| Posted: | July 2, 2021 | Personal: | July 2, 2021 |
| Response: | None as of the date of this report | | |

Property Description

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| Legal Description: | Original Town of San Marcos, Block 7, Lot 8 | | |
| Location: | Corner of East Hopkins Street and North LBJ Drive | | |
| Acreage: | 0.3029 acres | PDD/DA/Other: | N/A |
| Existing Zoning: | CD-5D | Proposed Zoning: | CD-5D |
| Existing Use: | Bar and Restaurant | Proposed Use: | Bar and Restaurant |
| Preferred Scenario: | Downtown High Intensity | Proposed Designation: | Same |
| CONA Neighborhood: | Downtown | Sector: | 8 |
| Utility Capacity: | Adequate | Floodplain: | No |
| Historic Designation: | Downtown Historic District; Hays County Courthouse District National Register of Historic Places | My Historic SMTX Resources Survey | Yes; High Preservation Priority |

Surrounding Area

| | Zoning | Existing Land Use | Preferred Scenario |
|---------------------------|---------------|------------------------------|---------------------------|
| North of Property: | CD-5D | Vacant, Commercial Suites | Downtown High Intensity |
| South of Property: | CD-5D | The Coffee Bar | Downtown High Intensity |
| East of Property: | CD-5D | Chimy's | Downtown High Intensity |
| West of Property: | CD-5D | Freddy C's Lounge/Patio | Downtown High Intensity |

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Staff Recommendation

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| Approval as Submitted | <input checked="" type="checkbox"/> | Approval with Conditions | | Denial |
| <p>Staff has reviewed the application with criteria from Sections 2.8.3.4 and 5.1.5.5 of the San Marcos Development Code and recommends approval with the following conditions:</p> <ol style="list-style-type: none"> 1. The permit is valid for three (3) years, provided standards are met. 2. The permit shall be effective upon a compliance with the fire inspection completed on June 8, 2021. 3. The permit shall be effective upon compliance with the corrective action form issued by Code Compliance. 4. Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of Section 5.1.5.5(4)(b), Eating Establishments – Downtown CBA Boundary. 5. The permit shall be posted in the same area and manner as the Certificate of Occupancy. | | | | |
| Staff: Alison Brake, CNU-A | | Title: Historic Preservation Officer | | Date: July 8, 2019 |

History

The establishment’s original CUP was issued in 2014. A renewal of that permit was administratively approved in 2017. The applicant is seeking the renewal of an existing CUP to serve Mixed Beverages.

Additional Analysis

Restaurant and Bar uses serving alcohol within the downtown CBA are subject to specific Use Standards which include limitations on noise, cleanliness of immediately adjacent areas, serving meals to customers, and 3-year maximum terms of CUP validity. Staff’s recommended conditions correspond with the conditions of prior approvals and concerns from other departments.

Comments from Other Departments

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| Police | While the Police Department has received over 100 calls for service this year, Assistant Chief Winkenwerder explained that sometimes the address is used when incidents occur immediately outside. Sergeant Myers confirmed that there had been a few disturbances and fights but that the majority did not happen inside the establishment. |
| Fire | A fire inspection was conducted on June 8, 2021. The violations cited will be required to be cleared prior to the issuance of the CUP. A copy of the report is included as an attachment. |
| Code Compliance | The establishment received a score that was on the low end of passing following a Health inspection on June 8, 2021. Code Compliance has given the applicant a detailed corrective action form that outlines expectations for the establishment moving forward. Code Compliance will be conducting quarterly inspections and the applicant will be required to respond to their inspection requests. Additionally, the action form spells out the ramifications if the applicant does not communicate with Code Compliance, including citations and utility disconnections. |
| Public Services | No Comment |
| Engineering | No Comment |

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| Evaluation | | | Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5) |
|------------|--------------|------------|---|
| Consistent | Inconsistent | Neutral | |
| <u>X</u> | | | The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan. |
| | | <u>N/A</u> | The proposed use is consistent with any adopted neighborhood character study for the area. <i>Studies were not complete at the time of this request.</i> |
| <u>X</u> | | | The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <i>The proposed use is consistent with the general intent of the zoning district. Character District 5-Downtown zoning allows retail and service type uses by right and allows businesses that sell alcohol for on-premise consumption through the Conditional Use Permit process.</i> |
| <u>X</u> | | | The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods. <i>The location is adjacent to other properties utilized as bars and restaurants with alcohol sales.</i> |
| <u>X</u> | | | The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood. |
| | | <u>N/A</u> | The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets. <i>The use is not incorporating adjustments or control devices to reduce or eliminate traffic.</i> |
| | | <u>N/A</u> | The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <i>The applicant is not proposing any new additional improvements to the site.</i> |
| <u>X</u> | | | The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood. |
| <u>X</u> | | | The proposed use is not within 300 ft. of a detached single-family residence located in a zoning district that only permits detached single-family residences. |
| <u>X</u> | | | The proposed use is not within 300 ft. of a church, public or private school, or public hospital. |
| <u>X</u> | | | The proposed use is not within 1,000 ft. of a public or private school as outlined within section 1.5.1.1. |